

## REMARKS

### 1. **Claim rejections – 35 U.S.C. § 103**

Previously, in a Final Office Action, dated November, 7, 2003, the Examiner rejected claims 1-46 under 35 U.S.C. § 103(a) as being unpatentable over Marshall (U.S. Patent. No. 5,675,746) in view of Hatori et al. (U.S. Patent No. 5,977,974). Applicant respectfully traverses these rejections.

The invention of the present application facilitates easy recognition of the flow of investment capital into the startups market on a display screen. The present application describes that a number of industry, sub-industry, and startup company shapes are illustrated on the display. The industry shapes differ in size and color. The size of the industry shape represents the total investment in the industry and color of the industry shape represents the inflow of capital into the industry, *i.e.*, whether the industry is hot (represented by red) or cold (represented by blue). The sub-industry shapes differ in size and color as well. The size of the sub-industry shape represents the number of startup companies in the sub-industry and the color of the sub-industry shape represents the total investment within the sub-industry. The sub-industry shapes also include a startup company shape for each startup within the sub-industry. The startup company shapes within each sub-industry are arranged in a spiral such that the older startups are represented at the center of the spiral. Additionally, the color of each startup company shape represents the total investments within that startup company. Therefore, the display of these various shapes allows the user to quickly identify a number of useful characteristics, including which industries are “hot,” how investment capital flow is changing through time, how different industries and sub-industries are growing, and whether there is any advantage to being the first to invest in an industry (first mover advantage).

On the other hand, Marshall is directed toward a display that allows money managers to view conventional financial instrument information in a convenient manner. The various financial instruments about which information is displayed include stocks, bonds, commodities, indices, currencies, options, and futures. *See* Fig. 6. One of the primary purposes of Marshall is to help money managers and day traders that have to make quick financial decisions. *See* Col. 5, ll. 2-23. Marshall achieves this purpose by taking data from a pre-existing analytic system and mapping the results onto a display. *See* Col. 5, ll. 20-23. In one preferred embodiment, Marshall divides the display screen into portions corresponding to various stock markets and industry groups. *See* Fig.

3a; Col. 13, ll. 41-42. In other words, the stock markets represent the y-axis and the industry groups represent the x-axis. *See id.* Within each square portion, corresponding to both a stock market and an industry group, is displayed a number of financial instrument shapes. *See* Fig. 3a; Col 13, ll. 43-45. Therefore, Marshall is primarily directed toward displaying information regarding conventional financial instruments.

Hatori et al. is directed toward displaying data items in a spiral time arrangement.

### **Claims 1-10**

Independent claim 1 as amended recites displaying a “venture capital shape” for each VC portfolio company in a sub-industry in a spiral based upon a particular characteristic. As mentioned above, Marshall discloses displaying shapes representing conventional financial instruments, such as stocks, bonds, commodities, futures, options, etc. *See* Fig. 3a; Col 13, ll. 43-45. However, Marshall does not disclose displaying information pertaining to venture capital companies or any associated venture capital shapes. Therefore, Marshall does not display venture capital shapes. *See, e.g.* Fig. 3a.

Additionally, independent claim 1 as amended recites “the size of each sub-portion being determined by the number of VC portfolio companies in the corresponding sub-industry.” As mentioned above, Marshall divides the display screen into portions corresponding to various stock markets and industry groups. *See* Fig. 3a; Col. 13, ll. 41-42. In other words, the stock markets represent the y-axis and the industry groups represent the x-axis. *See id.* Hence, Marshall divides the display into portions of constant size and does not alter the size of any sub-portion, much less altering the size of a sub-portion based upon the number of corresponding VC portfolio companies. Accordingly, Applicant respectfully submits that independent claim 1 is not obvious in light of Marshall in view of Hatori et al.

Dependent claim 2 as amended recites “displaying an industry shape for each industry and a sub-industry shape for each sub-industry.” In Fig 3a, Marshall discloses displaying along the x-axis the name icons for various industries. *See* Col. 13, ll. 42-43. However, Marshall does not disclose displaying a shape for each industry as well as a shape for each sub-industry.

Dependent claim 3 depends upon claim 1. Accordingly, Applicant respectfully submits that claim 3 is allowable for similar reasons.

Dependent claim 4 as amended recites that “each industry shape is displayed with an indication of an industry particular characteristic, and each sub-industry shape is displayed with

an indication of a sub-industry particular characteristic.” As mentioned above, Marshall does not disclose displaying both industry and sub-industry shapes. *See, e.g.*, Fig. 3a. Hence, Marshall cannot disclose displaying both industry and sub-industry shapes that visually provide characteristic information.

Dependent claims 5-8 depend upon claim 1. Accordingly, Applicant respectfully submits that claims 5-8 are allowable for similar reasons.

Dependent claim 9 as amended recites that venture capital shapes, industry shapes, and sub-industry shapes all be displayed. Marshall does not disclose displaying venture capital shapes or both industry and sub-industry shapes.

Dependent claim 10 depends upon claim 1. Accordingly, Applicant respectfully submits that claim 10 is allowable for similar reasons.

#### **Claims 11-19**

Independent claim 11 as amended recites that the “size of each sub-portion being determined by the number of objects in the corresponding sub-category.” As previously mentioned, Marshall discloses a display in which the size of each sub-portion is constant. *See, e.g.*, Fig. 3b. Accordingly, Applicant respectfully submits that independent claim 11 is not obvious in light of Marshall in view of Hatori et al.

Dependent claim 12 as amended recites “displaying a category shape for each category and a sub-category shape for each sub-category.” Marshall discloses displaying a shape representing the name of a category, such as an industry. *See* Fig. 3a. However, Marshall does not disclose displaying a shape for each category and a shape for each corresponding sub-category.

Dependent claim 13 depends upon claim 11. Accordingly, Applicant respectfully submits that claim 13 is allowable for similar reasons.

Dependent claim 14 as amended recites that “each category shape is displayed with an indication of a category particular characteristic and each sub-category shape is displayed with an indication of a sub-category particular characteristic.” As Marshall does not disclose displaying both category and sub-category shapes, Marshall cannot disclose displaying both category and sub-category shapes with particular characteristics for visual identification.

Dependent claims 15-18 depend upon claim 11. Accordingly, Applicant respectfully submits that claims 15-18 are allowable for similar reasons.

Dependent claim 19 as amended recites that category, sub-category, and object shapes are displayed in various colors to provide an indication. Marshall does not disclose displaying three different types of objects in different colors to provide various indications.

#### **Claims 20-27**

Independent claim 20 as amended recites “generating a line to represent at least one VC firm.” Marshall does not visually represent VC firms. Hence, Marshall necessarily does not generate any lines representing VC firms. Independent claim 20 as amended also recites “altering the size of the linear portion” to provide an indication of a value of a characteristic of a VC firm. Marshall does not pertain to displaying information regarding VC firms. Additionally, Marshall does not alter the size of anything based upon a characteristic of a VC firm. Accordingly, Applicant respectfully submits that independent claim 11 is not obvious in light of Marshall in view of Hatori et al.

Dependent claims 21-27 depend upon claim 20. Accordingly, Applicant respectfully submits that claims 21-27 are allowable for similar reasons.

#### **Claims 28-34**

Independent claim 28 as amended recites “generating a line to represent at least one object” and allocating linear portions “along that line.” As the Examiner previously noted, Marshall allocates a plurality of portions of the display to correspond to a plurality of separate ranges. *See* Col. 6, ll. 10-50. However, Marshall does not generate a line to represent an object, and subsequently allocate linear portions along that line based upon a first characteristic of the object. Accordingly, Applicant respectfully submits that independent claim 28 is not obvious in light of Marshall in view of Hatori et al.

Dependent claims 29-34 depend upon claim 28. Accordingly, Applicant respectfully submits that claims 29-34 are allowable for similar reasons.

#### **Claims 35-40**

Independent claim 35 as amended further recites that “either the first or second shape, or both, indicates a value of another particular characteristic.” Independent claim 35 now recites generating first shapes on the display indicating a first particular characteristic, generating second shapes on the display indicating a second particular characteristic, and either the first or second shapes, or both, indicate a value of another particular characteristic. Marshall discloses generating financial instrument shapes within rectangular portions of the screen in different

shapes. *See* Fig. 3a. However, the rectangle portions by themselves disclosed in Fig. 3 of Marshall do not disclose additional characteristics, such as by differing in size or color. Hence, Marshall does not display two sets of shapes representing three particular characteristics. Accordingly, Applicant respectfully submits that independent claim 35 is not obvious in light of Marshall in view of Hatori et al.

Dependent claims 36-40 depend upon claim 35. Accordingly, Applicant respectfully submits that claims 36-40 are allowable for similar reasons.

#### **Claims 41-46**

Independent claim 41 as amended recites that “either the first or second shape, or both, indicates a value of another particular characteristic.” Claim 41 now recites that two sets of shapes represent three particular characteristics. As noted above, Marshall does not disclose two sets of shapes that represent three particular characteristics. Accordingly, Applicant respectfully submits that independent claim 41 is not obvious in light of Marshall in view of Hatori et al.

Dependent claims 42-46 depend upon claim 41. Accordingly, Applicant respectfully submits that claims 42-46 are allowable for similar reasons.

### **2. New Claims**

New claims 47-55 have been added. Support for claims 47-55 can be found in the present application as filed on February 5, 2002.

Support for independent claim 47, for example, can be found in Figs. 1-4; p. 5, para. 0023. Claims 48-55 depend upon claim 47.

Further support for claim 48, for example, can be found at p. 6, para. 0026.

Further support for claims 49 and 50, for example, can be found at p. 6, para. 0027.

Further support for claims 51-53, for example, can be found at p. 5, para. 0024.

Further support for claim 54, for example, can be found at pp. 5-6, para. 0025.

Further support for claim 55, for example, can be found in Fig. 1.

### **3. Drawings**

The Examiner has rejected the drawings filed on February 5, 2002. Applicant respectfully submits that the formal drawings filed on August 5, 2003 will overcome the Examiner's rejection.

## SUMMARY

Applicant respectfully submits that all of the pending claims are in condition for allowance and seeks allowance thereof. If for any reason the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (312) 321-4277.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Timothy J. Le Duc", written over a horizontal line.

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